

By: Bohac

H.B. No. 3063

A BILL TO BE ENTITLED

AN ACT

relating to a pilot program authorizing counties to use direct recording electronic voting machines that produce paper records.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 129, Election Code, is amended by adding Section 129.002 to read as follows:

Sec. 129.002. VOTER-VERIFIED PERMANENT PAPER RECORD PILOT PROGRAM. (a) The secretary of state shall implement a program to allow a county to require a voting system that uses direct recording electronic voting machines to produce a voter-verified permanent paper record suitable for a manual audit.

(b) The system must allow a voter:

(1) to inspect and verify the paper record before the voter's ballot is recorded electronically; and

(2) an opportunity to make changes to the voter's electronic ballot after reviewing the paper record.

(c) If the voter makes changes as allowed under Subsection (b)(2), the system must invalidate the paper record that the voter reviewed and generate a new paper record corresponding to the changed vote. The new paper record must be reviewed by the voter in the manner provided by Subsection (b).

(d) If the voter verifies that the paper record is correct, the system shall record the voter's electronic vote and preserve the paper records at the polling place in the same manner as paper

1 ballots are preserved to ensure that the paper records may be used
2 in a manual audit or recount.

3 (e) The commissioners court of a county that desires to
4 participate in the pilot program authorized by this section shall
5 submit an application to the secretary of state not later than the
6 180th day before the date of the election in which the county wishes
7 to use a voting system involving direct recording electronic voting
8 machines that produce a voter-verified permanent paper record. The
9 secretary of state shall approve the application of a county that
10 demonstrates that it has the capability to fulfill the requirements
11 of this section.

12 (f) Except for a recount under Title 13, the electronic vote
13 is the official record of the ballot. For a recount of ballots cast
14 on a system involving direct recording electronic voting machines
15 that produce voter-verified permanent paper records, the paper
16 record is the official record of the vote cast. The paper record
17 may be used for a manual audit of the system and shall be preserved
18 in the same manner as other paper records in an election.

19 (g) Not later than January 1, 2011, the secretary of state
20 shall submit a report to the legislature on the effectiveness of
21 voting systems involving direct recording electronic voting
22 machines that produce a voter-verified permanent paper record. The
23 report must include a detailed account of any recount conducted in a
24 county using such a voting system. This subsection expires
25 September 1, 2011.

26 (h) Before July 1, 2010, a county may not prohibit the use of
27 a voting system that:

1 (1) uses direct recording electronic machines;
2 (2) was approved by the secretary of state; and
3 (3) was used in an election held before September 1,
4 2009.

5 (i) Subsection (h) and this subsection expire July 1, 2010.

6 SECTION 2. This Act takes effect September 1, 2009.